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7 CFR Ch. IX (1–1–05 Edition)

facilities for handling, regrading, resorting, and repacking tomatoes into consumer sized packages and has been certified as such by the committee. *Processing* as used in §§966.120 and 966.323 means the manufacture of any tomato product which has been converted into juice, or preserved by any commercial process, including canning, dehydrating, drying, and the addition of chemical substances. *U.S. tomato standards* means the revised United States Standards for Fresh Tomatoes (7 CFR 51.1855 through 51.1877), effective October 1, 1991, as amended, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

[52 FR 46347, Dec. 7, 1987, as amended at 53 FR 3191, Feb. 4, 1988; 54 FR 51297, Dec. 14, 1989; 56 FR 51148, Oct. 10, 1991; 57 FR 27351, June 19, 1992; 58 FR 57719, Oct. 27, 1993; 59 FR 51091, Oct. 7, 1994; 60 FR 57907, Nov. 24, 1995; 61 FR 55731, Oct. 29, 1996; 63 FR 146, Jan. 5, 1998; 63 FR 12401, Mar. 13, 1998; 63 FR 54559, Oct. 13, 1998; 64 FR 45413, Aug. 20, 1999; 65 FR 66495, Nov. 6, 2000; 66 FR 48532, Sept. 21, 2001]

EDITORIAL NOTE: After January 1, 1979, “Budget of Expenses and Rate of Assessment” regulations (e.g., sections .200 through .299) and “Handling” regulations (e.g., sections .300 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

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Agricultural Marketing Service, USDA

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AUTHORITY: 7 U.S.C. 601–674.

SOURCE: 44 FR 22038, Apr. 13, 1979, unless otherwise noted.

Subpart—Order Regulating Handling

DEFINITIONS

§ 979.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any other officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 979.2 Act.

Act means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sections 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 979.3 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

§ 979.4 Production area.

Production area means the counties of Bee, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Webb,

Willacy, and Zapata in the State of Texas.

§ 979.5 Melons.

Melons means all varieties of *Cucumis melo*, commonly called muskmelons and including but not limited to varieties *reticulatus* and *inodorus*, grown in the production area. Such varieties include cantaloupes, honeydew and honey ball melons. Watermelons (*Citrallus lanatus*) are not included in the foregoing definition.

§ 979.6 Handler.

Handler is synonymous with *shipper* and means any person (except a common or contract carrier of melons owned by another person) who handles melons or causes melons to be handled.

§ 979.7 Handle.

Handle or *ship* means to harvest, grade, package, sell, transport, or in any other way to place melons grown in the production area, or cause such melons to be placed, in the current of commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery within the production area of field-run melons to a person for the purpose of having such melons prepared for market.

§ 979.8 Grower.

Grower is synonymous with *producer* and means any person engaged in a proprietary capacity in the production of melons for market.

§ 979.9 Committee.

Committee means the South Texas Melon Committee established pursuant to § 979.22.

§ 979.10 Fiscal period.

Fiscal period means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.